

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Civil No. 05-cv-385-PB

Land and Buildings Located at 68 Grove Avenue,
Salem, New Hampshire, with all Appurtenances
and Improvements Thereon, Owned by Nancy Butters

O R D E R

Ms. Butters, the owner of the in rem real estate defendant, seeks in forma pauperis status and for appointed counsel and a stay of proceedings.

The apparent deadline for her to have asserted her rights was December 19, 2005. A final Order of Forfeiture was issued on February 8, 2006. The exclusive remedy to set aside a declaration of forfeiture under the statute is a motion under 18 U.S.C. § 983(e)(1) alleging lack of notice. At this time no such motion has been filed nor does Ms. Butters claim she did not receive timely or adequate service. The government has filed an affidavit of service together with a signed certified mail receipt demonstrating timely and adequate service.

Ms. Butters' two motions are too late and futile. As a consequence they are denied.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: March 15, 2006

cc: Robert J. Rabuck, Esq.
Nancy Butters, *pro se*